IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.19673 of 2008

KAMAL RAM @ KAMAKHYA RAM @ KAMAL KISHORE RAM
Versus
THE STATE OF BIHAR
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3. 18.7.2008 Heard the learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Kotwali P.S. Case No.797/06 for the alleged offences registered under section 379 of the Indian Penal Code.

It is submitted on behalf of the petitioner that on perusal of the First Information Report, it would appear that there is no whisper of suspicion of any nature whatsoever against the petitioner. Name of the petitioner has come on the confessional statement of Ravi Kumar from whose statement it appears that the petitioner is alleged to have extended helped in the theft. It is further submitted that said Ravi has committed the theft and sold the motorcycle in question to one Santosh from whose possession the vehicle was recovered on the statement of one Sanjeet. It is further submitted that Ravi being the Gotia of the petitioner implicated the

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petitioner for ulterior purposes.

Learned A.P.P. on perusal of the case diary is not in a position to refute the submissions made on behalf of the petitioner.

Considering the submissions, as noticed above, and on perusal of the allegations made in the First Information Report as well as the other materials brought on the record, it is directed that petitioner Kamla Ram @ Kamakhya Ram @ Kamal Kishore Ram, in the event of his arrest or surrender in connection with Kotwali P.S. Case No.797/06 within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhagalpur, in connection with the aforesaid case, on the conditions mentioned in sub-section (2) of section 438 of the Code of Criminal Procedure.

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PNM **(Shailesh Kumar Sinha, J.)**